

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
PAUL A. PYSHER
FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

02 APR 2008

Applicant's or agent's file reference

11333-013WO1

IMPORTANT NOTIFICATION

International application No.

PCT/US01/45198

International filing date (day/month/year)

16 November 2001 (16.11.2001)

Priority date (day/month/year)

20 November 2000 (20.11.2000)

Applicant

EMAION, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

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Form PCT/IPEA/416 (July 1992)

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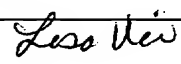
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 11333-013WO1	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US01/45198	International filing date (day/month/year) 16 November 2001 (16.11.2001)	Priority date (day/month/year) 20 November 2000 (20.11.2000)	
International Patent Classification (IPC) or national classification and IPC IPC: G06F 11/00 (2006.01), 15/16 (2006.01); H04M 11/00 (2006.01) USPC: 379/102.03;709/250;714/25			
Applicant EMAION, INC.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u> </u> sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 23 July 2002 (23.07.2002)		Date of completion of this report 17 March 2008 (17.03.2008)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer  Nathan Flynn Telephone No. (571)272-2100	

Form PCT/IPEA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/45198

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
 pages 1-12 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the claims:
 pages 13-22 as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the drawings:
 pages 1-4 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/45198

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>2, 4, 6, 11-29, 31, 33, 35, 38-46</u>	YES
	Claims <u>1, 3, 5, 7-10, 30, 32, 34, 36-37, 47-48</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-48</u>	NO
Industrial Applicability (IA)	Claims <u>1-48</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/45198

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claims 1, 3, 5, 7-10, 30, 32, 34, 36, 37, 47, 48 lack novelty under PCT Article 33(2) as being anticipated by U.S. Patent Number 6,560,656 to O'SULLIVAN.

Regarding claims 1, 30, 47, and 48, O'Sullivan discloses a computer program implementing an automated device recordation and registration process for automatically registering, on a remote computer, an embedded device comprising: a feature detection process for detecting feature information associated with a device to be registered (O'Sullivan, col. 6, lines 47-48); a feature transmission process for transmitting said feature information to a remote computer at a known address using a self describing computer language (col. 6, lines 10-25); and a registration process for registering said device by storing said feature information on said remote Computer (O'Sullivan, col. 6, line 5, lines 50-55).

Regarding claims 3 and 32, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 1, including wherein said known address is a Uniform Resource Locator (O'Sullivan, col. 7, lines 33-38).

Regarding claim 5 and 34, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 1, including wherein said feature information comprises a device type and a device instance (O'Sullivan, col. 6, lines 40-45).

Regarding claims 7 and 36, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 1, including wherein said remote computer includes a database for storing said feature information (O'Sullivan, col. 6, lines 35-45).

Regarding claims 8 and 37, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 7, including a device registration status process for examining said database to determine if said device was previously registered on said remote computer and initiating said registration process if said device is not registered (O'Sullivan, col. 6, lines 47-55).

Regarding claim 9, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 8, including wherein said remote computer resides on a distributed computing network and said feature transmission process transmits said feature information to said remote computer via said distributed computing network (O'Sullivan, col. 5, lines 55-67).

Regarding claim 10, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 9, including wherein said distributed computing network is the Internet (O'Sullivan, col. 5, line 62).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 2, 4, 11-17, 27-29, 31, 33, and 38-41 lack an inventive step under PCT Article 33(3) as being obvious over U.S. Patent Number 6,560,656 to O'SULLIVAN.

Regarding claims 2 and 31, O'Sullivan teaches the limitations of claim 1.

O'SULLIVAN does not teach using extensible Markup Language (XML) in a computer networking environment. However it was well known to those skilled at the time of the invention.

Regarding claims 4 and 33, O'Sullivan teaches the limitations of claim 1. O'SULLIVAN does not teach using Transmission Control Protocol/Internet Protocol (TCP/IP) addresses. However it was well known to those skilled at the time of the invention.

Regarding claims 11-13, O'Sullivan teaches the limitations of claim 9.

O'SULLIVAN does not teach using direct, dial-up, and wireless network connections to connect to a network. However it was well known to those skilled at the time of the invention.

Regarding claims 14 and 38, O'Sullivan, in combination with what is well known in the art, teaches the limitations of claim 9, including wherein said device includes embedded software which controls said device's functionality (O'Sullivan, col. 7, lines 25-30).

O'SULLIVAN does not teach wherein said embedded software has a specific version identifier associated with it. However it was well known to those skilled at the time of the invention.

Regarding claim 15-17 and 39-41, O'Sullivan, in combination with what is well known in the art, teaches the limitations of claim 14.

O'SULLIVAN does not teach wherein said database stores a software update, having a specific version identifier, and wherein software update is the newest version available, comparing said version identifier to the version identifier of embedded software to determine if an update is needed, and updating embedded software residing on device. However it was well known to those skilled at the time of the invention.

Regarding claims 27-29 O'Sullivan teaches the limitations of claim 1. O'SULLIVAN does not teach wherein the devices are registered in the remote computer's database through the SMTP remote mail server. However it was well known to those skilled at the time of the invention.

Claims 6 and 35 lack an inventive step under PCT Article 33(3) as being obvious over U.S. Patent Number 6,560,656 to O'SULLIVAN in view of U.S. Patent Number 5,586,254 to KONDO.

Regarding claims 6 and 35, O'Sullivan discloses the features of the invention as described in claims 5 and 34. O'Sullivan also teaches that a lookup service, located in the remote computer's memory, contains an object/instance for each service supplied by each device. However, O'Sullivan does not specifically state wherein said device type is a model number and said device instance is a serial number.

In an analogous art of networking, Kondo teaches a system for managing and operating network devices wherein the attributes of the devices to be managed include model number and serial number (Kondo, col.10, lines 20-33).

Therefore, it would have been obvious to provide detailed information about the managed network devices for the benefit of reducing the work of the network manager (KONDO, col. 6, lines 9-10).

Claims 6 and 35 lack an inventive step under PCT Article 33(3) as being obvious over U.S. Patent Number 6,560,656 to O'SULLIVAN in view of U.S. Patent Number 6,415,023 to IGGULDEN.

Regarding claims 18 and 42, O'Sullivan discloses the features of the invention as described in claims 7 and 30. O'Sullivan also teaches a lookup service containing an object for each service from each device. However, O'Sullivan does not disclose the objects containing feature information including system information concerning the location, ownership, and configuration of said device.

In an analogous art to networking, IGGULDEN discloses a method for setting features of a device where the features include system information including location, ownership, and configuration of said device (col. 4, lines 40-55).

Therefore it would have been obvious to enable the system to collect information concerning consumer's use of product features which can be useful in product marketing and new product design (IGGULDEN, col. 4, lines 40-45).

Regarding claims 19 and 43, O'Sullivan and IGGULDEN teach the limitations of claims 18 and 42, including a system information interface for allowing the owner of said device to configure said system information (IGGULDEN, col. 4, lines 40-55).

Regarding claim 20, O'Sullivan and IGGULDEN teach the limitations of claims 19, including wherein said device includes a HyperText

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Supplemental Box

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Transfer Protocol (HTTP) device web Server and said system information interface is a software application residing on said device web server, where the owner of said device can edit said system of said device by accessing said system information interface via a remote web client (IGGULDEN, col. 3, line 62 through col. 4, line 5).

Regarding claim 24, O'Sullivan teaches the limitations of claim 7. However, O'Sullivan does not disclose wherein said device includes a device web client and said remote computer includes a HyperText Transfer Protocol (HTTP) remote web server.

In an analogous art, IGGULDEN teaches a web server connected to devices through the web (IGGULDEN col. 3, lines 60 through col. 4, line 5).

Regarding claim 25, O'Sullivan and IGGULDEN teach the limitations of claim 24, including wherein said remote computer includes an application logic to interface said remote web server and said database (O'Sullivan col. 6, lines 40-55).

Regarding claim 26, O'Sullivan and IGGULDEN teach the limitations of claim 25, including wherein said feature transmission process utilizes said device web client to upload said feature information from said device to said remote web server, where said application logic transfers said feature information from said remote web server to said database (O'Sullivan, col. 6, lines 45-55).

Regarding claims 21-23 and 44-46, O'Sullivan and IGGULDEN teach the limitations of claims 19 and 43. However, O'Sullivan does not disclose transmitting system information to a database on the remote computer after comparing the system information to see if it needs to be updated, and uploading system information to the server. However it was well known to those skilled at the time of the invention.

----- NEW CITATIONS -----

US 5,586,254 A (KONDO et al) 17 December 1996, see column 10, lines 20-33

US 6,415,023 B2 (IGGULDEN) 2 July 2002, see column 3, line 62 through column 4, line 5 column 4, lines 40-55

US 6,560,656 B1 (O'SULLIVAN et al) 6 May 2003, see column 5, lines 55-67; column 6; column 7, lines 25-38;